

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 16306

PERMIT 10172

LICENSE 5886
(over)

ORDER CORRECTING AND AMENDING PREVIOUS ORDER


WHEREAS:

1. License 5886 was issued to Earl Klare and was recorded with the County Recorder of El Dorado County on November 1, 1959 in Volume 489, Page 591.
2. The license was subsequently assigned to Showcase Ranches Owner's Association Inc.
3. An error has been discovered in the ORDER issued by the Board on October 7, 1987, and said Board has determine that good cause to correct the error exists.
4. "WHEREAS" finding 3 should be license 5886, rather than 5889.
5. "WHEREAS" finding 6 should state licensee, rather than license.

NOW, THEREFORE, IT IS ORDERED THAT:

1. WHEREAS: No. 3 be corrected to read:
 3. License 5886 was subsequently assigned to Showcase Ranches Owner's Association Inc.
2. WHEREAS: No. 6 be corrected to read:
 6. The licensee has reported that the purpose of use has changed from Irrigation and Stockwatering to Stockwatering and Recreational, as a result of the land being subdivided into small parcels. The change in the purpose of use may be made under Section 798, Title 23, California Code of Regulations.

Dated: JUNE 29 1988


for Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 16306

PERMIT 10172

LICENSE 5886

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND
CORRECTION IN THE POINT OF DIVERSION AND
PLACE OF USE AND TO AMEND THE LICENSE

WHEREAS:

1. License 5886 was issued to Earl Klare and was recorded with the County Recorder of El Dorado County on November 1, 1959 in Volume 489, Page 591.
2. An order allowing change in purpose of use was granted on April 1, 1966 and has been recorded with the County Recorder of El Dorado County on April 4, 1966 in Book 782, Page 242.
3. License 5889 was subsequently assigned to Showcase Ranches Owner's Association.
4. The USGS 7.5' Quadrangle map Aukum, California photorevised 1973 shows the (POD and POU as being within Section 36, T9N, R11E, MDB&M and Section 31, T9N, R12E, MDB&M. License 5886 describes the same POD and POU as being within Section 36, T9N, R11E, MDB&M. A correction in the description of the point of diversion and place of use under said license is needed to conform the description with the location on the photorevised quadrangle map.
5. The State Water Resources Control Board has determined that said correction in the description of the point of diversion and place of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.
6. The license has reported that the purpose of use has change from Irrigation and Stockwatering to Stockwatering and Recreational as a result of the land being subdivided into small parcels. The change in the purpose of use may be made under Section 798, Title 23, California Administrative Code.
7. The paragraph pertaining to the continuity authority of the Board needs to be updated to conform to standard license terms as contained in Title 23, California Administrative Code Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:

Stockwatering and Recreational

2. The point of diversion under this license shall be as follows:

Spanish Lake: North 500 feet and West 10 feet from the SE corner of Section 36, T9N, R11E, MDB&M, being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36 being on the South Fork of Spanish Creek.

3. The place of use under this license shall be as follows:

At Spanish Lake within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T9N, R11E, MDB&M and Section 31, T9N, R12E, MDB&M.

4. The continuing authority provision in this license shall be amended to contain Section 780(a), Title 23, California Administrative Code which reads as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: **OCTOBER 07 1987**



Raymond Walsh, Chief
Division of Water Rights

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STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16306PERMIT 10172LICENSE 5886ORDER ALLOWING CHANGE IN CHARACTER OF USE

WHEREAS License 5886 was issued to Earl Klare and was recorded with the County Recorder of El Dorado County on November 18, 1959, at page 591, Volume 489, of the official records, and

WHEREAS said license was subsequently assigned to Moore Securities Inc., and

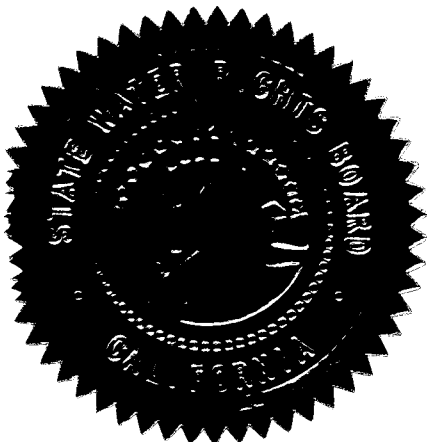
WHEREAS the State Water Rights Board has found that the change in character of use under said license for which petition was submitted on November 15, 1965, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to allow a character of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the character of use under said License 5886, to character of use as follows, to wit:

IRRIGATION AND STOCKWATERING

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 1 st day of April, 1966



L. K. Hill
L. K. Hill
Executive Officer



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16306

PERMIT 10172

LICENSE 5886

THIS IS TO CERTIFY, That

Earl Klare
Somerset
California

Notice of Assignment (Over)

has made proof as of May 4, 1959
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
South Fork Spanish Creek also known as Spanish Creek in El Dorado County
tributary to Spanish Creek thence Middle Fork Cosumnes River

for the purpose of irrigation use
under Permit 10172 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from April 8, 1955
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed five hundredths (0.05)
cubic foot per second by direct diversion to be diverted from about May 1 to about
November 15 of each year and fourteen and three-tenths (14.3) acre-feet per annum
by storage to be collected from about November 15 of each year to about May 1 of
the succeeding year.

The maximum withdrawal in any one year has been thirteen (13.0) acre-feet.

The equivalent of such continuous flow allowance for any thirty day period may be
diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located:

North seven hundred eighty (780) feet and west five hundred twenty (520) feet from
SE corner of Section 36, T9N, R11E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section
36.

A description of the lands or the place where such water is put to beneficial use is as follows:

10 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T9N, R11E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

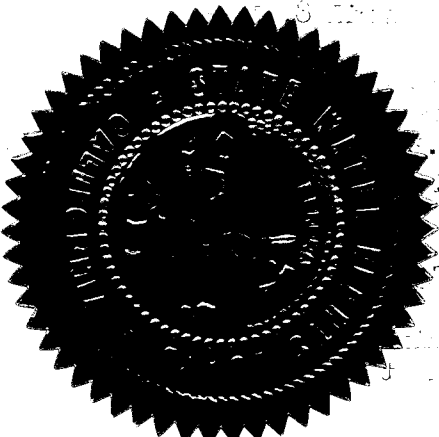
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: NOV 17 1959



L. K. Hill
Executive Officer

11-23-62

RECEIVED NOTICE OF ASSIGNMENT TO

Lowell Johnson

2-4-63

RECEIVED NOTICE OF ASSIGNMENT TO

Moore Security, Inc.

7-21-67

RECEIVED NOTICE OF ASSIGNMENT TO

First American Title Co.

11-10-71

RECEIVED NOTICE OF ASSIGNMENT TO

United Continental Development Corporation

4-22-96 assigned to Nowcase Ranches Community Service District.

LICENSE 5886

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Earl Klare

NOV 17 1959

DATED

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